

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Murgio	Team: Squad #02	CCRB Case #: 201905697	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/25/2019 11:45 AM	Location of Incident: Boston Road and Allerton Avenue; 49th Precinct stationhouse	18 Mo. SOL 8/11/2021	Precinct: 49		
Date/Time CV Reported Fri, 06/28/2019 1:29 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 06/28/2019 1:29 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Steven Glassman	6415	919111	049 PCT
2. LT Michael Verbrugge	00000	940835	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jameson Masker	21444	945236	046 DET
2. POM Peter Giannini	16241	957623	NARCB BX
3. POM Paul Pala	20957	959037	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Steven Glassman	Abuse: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman stopped § 87(2)(b)	
B.LT Michael Verbrugge	Abuse: At Boston Road and Allerton Avenue in the Bronx, Lieutenant Michael Verbrugge stopped § 87(2)(b)	
C.DTS Steven Glassman	Abuse: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman arrested § 87(2)(b)	
D.LT Michael Verbrugge	Abuse: At Boston Road and Allerton Avenue in the Bronx, Lieutenant Michael Verbrugge arrested § 87(2)(b)	
E.DTS Steven Glassman	Abuse: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman searched § 87(2)(b)	
F.LT Michael Verbrugge	Abuse: At Boston Road and Allerton Avenue in the Bronx, Lieutenant Michael Verbrugge searched § 87(2)(b)	
G.DTS Steven Glassman	Discourtesy: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman acted discourteously toward § 87(2)(b)	
H.DTS Steven Glassman	Discourtesy: At the 49th Precinct stationhouse, Detective Steven Glassman spoke discourteously to § 87(2)(b)	
I.DTS Steven Glassman	Abuse: At the 49th Precinct stationhouse, Detective Steven Glassman threatened to arrest § 87(2)(b)	
J.DTS Steven Glassman	Abuse: At the 49th Precinct stationhouse, Detective Steven Glassman searched § 87(2)(b) recording device.	
K.DTS Steven Glassman	Abuse: At the 49th Precinct stationhouse, Detective Steven Glassman deleted information on § 87(2)(b) electronic device.	

Officer(s)	Allegation	Investigator Recommendation
L.LT Michael Verbrugge	Untruthful Stmt.: Lieutenant Michael Verbrugge provided a misleading official statement to the CCRB.	

Case Summary

On June 28, 2019, § 87(2)(b) filed this complaint with the CCRB online. The case was initially assigned to Inv. Kenneth Shelton. It was reassigned to Inv. Rachel Murgo on May 5, 2021, upon Inv. Shelton's resignation from the Agency.

On June 25, 2019, at approximately 11:45 a.m., Detective Steven Glassman and Lieutenant Michael Verbrugge of the 49th Precinct stopped § 87(2)(b) at Boston Road and Allerton Avenue in the Bronx (**Allegation A: Abuse of Authority – Stop** – § 87(2)(g) and **Allegation B: Abuse of Authority – Stop** – § 87(2)(g)). Detective Glassman asked § 87(2)(b) for his identification. § 87(2)(b) asked why he was being stopped and began recording the incident on his cellphone. Detective Glassman handcuffed § 87(2)(b) and then searched § 87(2)(b) pockets (**Allegation C: Abuse of Authority – Arrest** – § 87(2)(g) and **Allegation D: Abuse of Authority – Arrest** – § 87(2)(g)) and **Allegation E: Abuse of Authority – Search (of person)** – § 87(2)(g) and **Allegation F: Abuse of Authority – Search (of person)** – § 87(2)(g)). Detective Glassman then escorted § 87(2)(b) to a nearby police vehicle. While doing so, Detective Glassman stepped on § 87(2)(b) foot repeatedly (**Allegation G: Discourtesy – Action** – § 87(2)(g)). § 87(2)(b) was transported to the 49th Precinct stationhouse.

At the 49th Precinct stationhouse, Detective Glassman searched § 87(2)(b) pockets at the front desk and pulled § 87(2)(b) waist multiple times. § 87(2)(b) complained, and Detective Glassman responded, “Oh you don’t want me searching your pockets? Oh, that’s tough shit, that’s too bad” (**Allegation H: Discourtesy – Word** – § 87(2)(g)). Detective Glassman placed § 87(2)(b) in a holding cell and told § 87(2)(b) that he was “acting like a dick” while also using other profanity (within **Allegation H**).

Approximately 15 minutes later, Detective Glass removed § 87(2)(b) from the holding cell, returned § 87(2)(b) cell phone to him, and told him that he could not record in the stationhouse or he would be rearrested (**Allegation I – Abuse of Authority – Threat of arrest** – § 87(2)(g)). Detective Glassman handed § 87(2)(b) a summons for disorderly conduct (Board Review 06).

§ 87(2)(b) realized later that the recording he had taken on his cellphone earlier was gone (**Allegation J: Abuse of Authority – Search of recording device** – § 87(2)(g)) and **Allegation K: Abuse of Authority – Electronic device information deletion** – § 87(2)(g)).

Lieutenant Verbrugge made a misleading statement during his CCRB interview on October 15, 2020 (**Allegation L: Untruthful Statement – Misleading Statement** – § 87(2)(g)).

§ 87(2)(b) provided cellphone video footage of the incident taken by his girlfriend, § 87(2)(b) who was walking with § 87(2)(b) at the time he was stopped. The video footage is located in IA #6 (Board Review 01) and summarized in IA #58 (Board Review 02). Two body-worn

camera (BWC) videos were obtained; they are linked to IAs #70 and 71 (Board Review 03, 04) and summarized in IA #95 (Board Review 05).

Findings and Recommendations

Allegation (A) Abuse of Authority: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman stopped § 87(2)(b)

Allegation (C) Abuse of Authority: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman arrested § 87(2)(b)

Allegation (E) Abuse of Authority: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman searched § 87(2)(b)

Allegation (G) Discourtesy: At Boston Road and Allerton Avenue in the Bronx, Detective Steven Glassman acted discourteously toward § 87(2)(b)

Allegation (H) Discourtesy: At the 49th Precinct stationhouse, Detective Steven Glassman spoke discourteously to § 87(2)(b)

Allegation (I) Abuse of Authority: At the 49th Precinct stationhouse, Detective Steven Glassman threatened to arrest § 87(2)(b)

Allegation (J) Abuse of Authority: At the 49th Precinct stationhouse, Detective Steven Glassman searched § 87(2)(b) recording device.

Allegation (K) Abuse of Authority: At the 49th Precinct stationhouse, Detective Steven Glassman deleted information on § 87(2)(b) electronic device.

§ 87(2)(b) was interviewed at the CCRB on July 8, 2019 (Board Review 14). Lieutenant Verbrugge was interviewed by the CCRB on October 15, 2020 (Board Review 08). § 87(2)(g)

§ 87(2)(g)

Allegation (B) Abuse of Authority: At Boston Road and Allerton Avenue in the Bronx, Lieutenant Michael Verbrugge stopped § 87(2)(b)

Allegation (D) Abuse of Authority: At Boston Road and Allerton Avenue in the Bronx, Lieutenant Michael Verbrugge arrested § 87(2)(b)

It is undisputed that § 87(2)(b) extended his middle finger at the unmarked vehicle containing Detective Glassman, Lieutenant Verbrugge, and Police Officer Jameson Masker as they drove by. The officers stopped their vehicle, and Detective Glassman and Lieutenant Verbrugge approached and stopped § 87(2)(b). Detective Glassman placed § 87(2)(b) in handcuffs, and § 87(2)(b) was brought to the 49th Precinct stationhouse.

Lieutenant Verbrugge stated that he was sitting in the back of the unmarked police vehicle when Detective Glassman announced that they were going to stop a civilian, later identified as § 87(2)(b). Lieutenant Verbrugge did not make an observation of § 87(2)(b) himself prior to this. Lieutenant Verbrugge did not recall any conversation regarding why they were conducting the stop. Detective Glassman stopped the vehicle and the officers exited and approached § 87(2)(b).

Detective Glassman asked § 87(2)(b) for his identification and § 87(2)(b) replied by asking Detective Glassman, “Why do I have to do that?” § 87(2)(b) was “irate” and argued with Detective Glassman about why he was stopped. A crowd began to form, but Lieutenant Verbrugge did not know how many people were in the crowd. Detective Glassman told § 87(2)(b) that he would be placed under arrest for disorderly conduct. Detective Glassman then handcuffed § 87(2)(b) and he was transported back to the stationhouse.

The summons that § 87(2)(b) received notes that § 87(2)(b) was arrested for disorderly conduct and that he pointed his middle finger in the direction of the officers (Board Review 06).

During his CCRB interview Lieutenant Verbrugge was shown a copy of the summons that § 87(2)(b) received. Lieutenant Verbrugge stated that he did not observe § 87(2)(b) point his middle finger to the officers’ vehicle. When asked if this would be a valid reason to stop § 87(2)(b) and issue a summons for disorderly conduct, Lieutenant Verbrugge stated, “It could be, I mean I’m not 100% sure.” Lieutenant Verbrugge did not recall if Detective Glassman provided this as the reason to him as to why the officers stopped § 87(2)(b). Besides the narrative section of the summons, Lieutenant Verbrugge did not recall any other reason why they stopped § 87(2)(b).

The first of the BWC videos captured by Detective Glassman’s BWC (Board Review 03) begins as the officers are in the vehicle immediately before stopping § 87(2)(b). 30 seconds into the video, Detective Glassman, who was in the passenger’s seat, exits the vehicle and says, “How you doing, Boss? Can you stop for a minute?” Detective Glassman then approaches § 87(2)(b) who is aiming his Apple iPhone at Detective Glassman in his right hand with his left hand down by his side, and asks if he has ID. Detective Glassman gets to within 2-3 feet of § 87(2)(b) then grabs § 87(2)(b) phone and pushes it down. He says, “First of all, put that away.” § 87(2)(b) says, “Excuse me, sir?” Detective Glassman says that everything is being recorded and that he needs identification. § 87(2)(b) replies “Okay, there’s no problem for this.” Detective Glassman says, “I don’t want that in your hand while I’m talking to you.” § 87(2)(b) asks if he can put his phone in his pocket, and Detective Glassman tells him to put it in his pocket. § 87(2)(b) asks if he can know why Detective Glassman is stopping him. Detective Glassman says, “Yeah, because you’re being —” Before he finishes, § 87(2)(b) asks if it is a legal stop, and Detective Glassman says, “I’m asking you for ID.” § 87(2)(b) again asks if it is a legal stop, and Detective Glassman says that he is going to ask him “one more time for ID.” § 87(2)(b) asks again if it is a legal stop. 56 seconds into the video Detective Glassman says, “No, he’s gotta go.” § 87(2)(b) replies, “I’ve gotta go?” and puts his hands up to the sides. Detective Glassman tells § 87(2)(b) to turn around, and § 87(2)(b) turns towards the police car and allows himself to be handcuffed while asking what he did and saying that he does not understand.

The video shows no crowd forming when § 87(2)(b) was stopped. A small number of pedestrians pass in the background, but they do not stop or interact with the officers or § 87(2)(b). The only civilian in the immediate vicinity beside § 87(2)(b) is § 87(2)(b) with whom he had been walking prior to being stopped by officers and who stands nearby filming the incident on her phone. § 87(2)(b) does not raise his voice or physically resist and allows himself to be handcuffed.

In the second BWC video (Board Review 04), captured at the stationhouse, Detective Glassman tells § 87(2)(b) “There's no perk that I brought you in here, other than the fact that I felt that you deserved it... And then when we stopped you, you were a dick.” He later tells § 87(2)(b) “... You started it, by flipping us off for no reason. And then you knew we were going to stop you... You fucking brought it on. From beginning to end, this was all you. I got better shit to do... the only reason why I brought you in here, is because we felt that, you know, we're old-school, and it's fucking disrespectful, like, people think they can just do that, and we're just going to (he puts on a voice) 'Oh, ok, I guess he flipped us off, I guess, fuck us.' (he returns to his normal voice, but loudly) No, fuck you! Because at the end of the day, we win! We won, because you're here, you lost your freedom for a little bit, who knows where the fuck your girl is, and now you've got a ticket to go to court. So, in the end, we won. I mean, it's not a big deal, I'm sure they'll throw it out or whatever, whatever-whatever, you just gotta show up or you're going to get a warrant, but at the end of the day, you're not going to win.” He later says, “I'm just letting you know, you flipped us off, and that's why you got stopped and you knew it.”

Penal Law Section 240.20 defines Disorderly Conduct as “when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
5. He obstructs vehicular or pedestrian traffic; or
6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.” (Board Review 11)

The NYPD Office of the Deputy Commissioner's Legal Bureau Bulletin Vol. 47, No. 2 (February 2017) further clarifies the circumstances under which a person may be charged with disorderly conduct, particularly in regard to defining “public inconvenience, annoyance or alarm.” It states that the public harm standard is not met unless and until the exchange in question extends beyond that between the person involved and an officer, and becomes “a potential or immediate public concern,” making clear that a verbal or gestural dispute between an officer and a civilian is not sufficient for an arrest for disorderly conduct in the absence of civilian bystanders who are becoming agitated or whom the subject intends to agitate by his actions (Board Review 12)

The only specific action noted by Detective Glassman as having led to § 87(2)(b) initial stop, in both his BWC footage and in the summons given to § 87(2)(b) was the fact that § 87(2)(b) “flipped off” the officers as they were driving past. Lieutenant Verbrugge, Detective Glassman's supervisor who was present for this portion of the incident, also provided no other possible reason for the stop. § 87(2)(b) gesture, by itself, does not constitute disorderly conduct. As indicated by the BWC footage which begins shortly afterwards, this action did not cause public inconvenience or alarm, as passersby visible in BWC footage did not stop or engage with § 87(2)(b) or the officers or appear inconvenienced in any way. § 87(2)(b) did not block pedestrian or vehicle traffic, and no crowd formed. § 87(2)(g)

§ 87(2)(g)

Less than 30 seconds after stopping § 87(2)(b) Detective Glassman handcuffed § 87(2)(b) and took him to the stationhouse. In his stationhouse BWC footage, Detective Glassman states that § 87(2)(b) was taken to the stationhouse not because he was committing disorderly conduct, but because he was “disrespectful” to the officers. Lieutenant Verbrugge cited the formation of a crowd and § 87(2)(b) verbal exchange with Detective Glassman as the basis for arresting him for disorderly conduct. Even if it was credited that the officers removed § 87(2)(b) to the stationhouse because they legitimately believed he was committing disorderly conduct, as proffered by Lieutenant Verbrugge, rather than as retaliation for “disrespecting” them, as explained by Detective Glassman, § 87(2)(b) behavior in the 25 seconds between being stopped and being handcuffed, like his behavior prior to the stop, § 87(2)(g)

§ 87(2)(b) The BWC footage shows that § 87(2)(b) verbal exchange with Detective Glassman was initiated by and directed solely towards Detective Glassman and that his actions caused no public inconvenience, annoyance, or alarm, as no passersby stopped or engaged with the incident and no crowd formed. § 87(2)(g)

Allegation (F) Abuse of Authority: At Boston Road and Allerton Avenue in the Bronx, Lieutenant Michael Verbrugge searched § 87(2)(b)

Once § 87(2)(b) was placed in handcuffs, Detective Glassman, under the supervision of Lieutenant Verbrugge, removed § 87(2)(b) cell phone and wallet from his back left pocket.

Patrol Guide Procedure 208-03 instructs officers that, after an arrest has been effected and the prisoner has been handcuffed, they are to “immediately field search/frisk prisoner and search adjacent vicinity for weapons, evidence, and/or contraband” (Board Review 13).

§ 87(2)(g) § 87(2)(b) was placed under arrest during this incident. § 87(2)(g)

Allegation (L) Untruthful Statement: Lieutenant Michael Verbrugge provided a misleading official statement to the CCRB.

During his CCRB interview Lieutenant Verbrugge initially stated that, during § 87(2)(b) stop, a crowd began to form, though he did not know how many people were in that crowd.

The BWC footage and the video footage shot by § 87(2)(b) however, show no crowd forming when § 87(2)(b) was stopped. A small number of pedestrians pass in the background, but they do not stop or interact with the officers or § 87(2)(b). The only civilian in the immediate vicinity beside § 87(2)(b) is § 87(2)(b) with whom he had been walking prior to being stopped by officers and who stands nearby filming the incident on her phone.

The BWC footage was subsequently shown to Lieutenant Verbrugge during his CCRB interview. When asked at what point in the recording the crowd began to form, Lieutenant Verbrugge stated, “Based on the clip you can’t see anything, but at one point during the video you do see someone § 87(2)(b) come to the side of the police vehicle and stick their phone out.” When then asked whether, besides that individual who was recording, he recalled any other individuals stopping and engaging with the incident, he replied, “Not that I can recall based off this video.”

Patrol Guide Procedure 203-08 defines a misleading statement as one that is intended to misdirect the investigator and materially alter the narrative by altering or changing an officer’s prior account after the officer is confronted with independent evidence indicating that an event did not occur as initially described. Officers are prohibited from making false official statements during interviews pursuant to CCRB investigations (Board Review 16).

§ 87(2)(g) the question of whether a crowd formed as a result of § 87(2)(b) behavior during the stop is an important factor in determining whether he was committing disorderly conduct, it is clearly a material fact. § 87(2)(g) Lieutenant Verbrugge’s initial assertion during his CCRB interview that a crowd formed during the stop, which the video footage indicates was not the case, as he himself acknowledged after subsequently watching the footage. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- § 87(2)(g) [REDACTED]
- Lieutenant Michael Verbrugge has been a member of service for 15 years and has been a subject in three previous CCRB complaints and five allegations, none of which were § 87(2)(g) § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) initially chose to mediate this complaint and on July 18, 2019, this case was sent to the Mediation Unit. § 87(2)(b) however, ultimately changed his mind, and on October 24, 2019, the case was returned to the Investigations Division.
- On May 7, 2021, a FOIL request for Notices of Claim was submitted to the New York City Office of the Comptroller. Any response will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Investigator:	<u>Rachel Murgo</u> Signature	<u>Inv. Rachel Murgo</u> Print Title & Name	<u>06/01/2021</u> Date
Squad Leader:	<u>Alexander Opoku-Agyemang</u> Signature	<u>IM Alexander Opoku-Agyemang</u> Print Title & Name	<u>6/1/2021</u> Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date